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# TRANSMITTAL FORM

FORM
(to be used for all correspondence after initial filing)

Application Number	10/521,524	
Filing Date	September 20, 2005	
First Named Inventor	Caroline HOEMANN et al.	
Group Art Unit	1651	
Examiner Name	To Be Assigned	
Attorney Docket Number	701826-56360-US	

Total Nullioci of Lages in This S	
	ENCLOSURES (check all that apply)
Fee Transmittal Form Fee Attached Amendment / Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statem Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application	Change of Correspondence Address
Response to Missing Part under 37 CFR 1.52 or 1.5	Remarks  The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.
	SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT
Firm or Individual name	Nixon Peabody LLP 100 Summer Street Boston, MA 02110-2131
Signature	Histi Re
Name	David S. Resnick (Reg. No. 34,235) / Stephen R. Duly (Reg. No. 56,183)
Date	October 30, 2006
I hereby certify that this corn deposited with the class mail in an en Box 1450, Alexand	United States Postal Service on the date shown below with sufficient postage as first relope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P. O. ria, VA 22313-1450  Imile on the date shown below to the United States Patent and Trademark Office at Signature  Megan L. Stembridge
	Typed or printed name

PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION. NO.

10/521,524

**FILED** 

September 20, 2005

TITLE

COMPOSITION FOR CYTOCOMPATIBLE, INJECTABLE, SELF-GELLING CHITOSAN SOLUTIONS FOR ENCAPSULATING AND

DELIVERING LIVE CELLS OR BIOLOGICALLY

**ACTIVE FACTORS** 

APPLICANTS

: BIOSYNTECH CANADA INC.

**INVENTORS** 

Caroline HOEMANN et al.

**ART UNIT** 

: 1651

**EXAMINER** 

TO BE ASSIGNED

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# SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97 and 1.98

### MAIL STOP AMENDMENT

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on a PTO/SB/08A/B form is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR § 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §§ 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any

- 2 -

Serial No. 10/521,524

document which is determined to be a *prima facie* prior art reference against the claims of the present application.

### RELEVANCE OF EACH DOCUMENT

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A/B be returned in accordance with MPEP § 609.

No fees are believed to be due. However, the Commissioner is hereby authorized to charge any and all fees that may be associated with the submission of the Information Disclosure Statement to Deposit Account No.50-0850.

Respectfully submitted,

Date: October 30, 2006

David S. Resnick (Reg. No. 34,235)

Stephen R. Duly (Reg. No. 56,183)

NIXON PEABODY LLP

100 Summer Street

Boston, MA 02110-2131 Tel: (617) 345-6057/1270

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known				
Application Number	10/521,524			
Filing Date	September 20, 2005			
First Named Inventor	Caroline HOEMANN et al.			
Art Unit	1651			
Examiner Name	To Be Assigned			
Attorney Docket Number	701826-056360-US			

	U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.¹	U.S. Patent Document  Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Cohumns, Lines, Where Relevant Passages or Relevant Figures Appear	
	A4	US-4,185,618	01-29-1980	Corey		
	A5	US-4,391,909	07-05-1983	Lim		
	A6	US-4,394,373	07-19-1983	Malette et al.		
	A7	US-4,424,346	02-03-1984	Hall et al.		
	A8	US-4,474,769	02-10-1984	Smith		
	A9	US-4,647,536	03-03-1987	Mosbach		
	A10	US-4,659,700	04-21-1987	Jackson		
	A11	US-4,731,081	03-15-1988	Tiffany et al.		
	A12	US-4,803,075	02-07-1989	Wallace et al.		
	A13	US-4,956,350	09-11-1990	Mosbey		
	A14	US-4,996,307	02-25-1991	Ito et al.		
	A15	US-4,073,202	12-17-1991	Wallach et al.		
	A16	US-5,126,141	06-30-1990	Henry		
	A17	US-5,266,326	11-30-1993	Barry et al.		
	A18	US-5,368,051	11-29-1994	Dunn et al.		
	A19	US-5,422,116	06-06-1995	Yen et al.		
	A20	US-5,468,787	11-21-1995	Braden et al.		
	A21	US-5,587,175	12-24-1996	Viegas et al.		
_	A22	US-5,612,028	03-18-1997	Sackier et al.		
•	A23	US-5,618,339	04-08-1997	Ito		
	A24	US-5,655,546	08-12-1997	Halpern		
	A25	US-5,658,593	08-19-1997	Orly et al.		
	A26	US-5,709,854	01-20-1998	Griffith-Cima et al.		
	A27	US-5,723,331	03-03-1998	Tubo et al.		
	A28	US-5,736,372	04-07-1998	Vacanti et al.		
	A29	US-5,749,874	05-12-1998	Schwartz		
	A30	US-5,770,193	06-23-1998	Vacanti et al.		
	A31	US-5,770,417	06-23-1998	Vacanti et al.		
	A32	US-5,773,033	06-30-1998	Cochrum et al.		
	A33	US-5,773,608	06-30-1998	Yen et al.		
	A34	US-5,811,094	09-22-1998	Caplan et al.		
	A35	US-5,837,235	11-17-1998	Mueller et al.		
	A36	US-5,842,477	12-01-1998	Naugnton et al.		
	A37	US-5,855,619	01-05-1999	Caplan et al.		
	A38	US-5,866,415	02-02-1999	Villeneuve		
	A39	US-5,894,070	04-13-1999	Hansson et al.		
	A40	US-5,902,741	05-11-1999	Purchio et al.		
	A41	US-5,902,798	05-11-1999	Gouda et al.		
	A42	US-5,906,934	05-25-1999	Grande et al.		
***	A43	US-5,908,784	06-01-1999	Johnstone et al.		

Examiner	 Date	
Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at 222 uspto gov or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known Substitute for form 1449A/PTO 10/521,524 Application Number INFORMATION DISCLOSURE September 20, 2005 Filing Date STATEMENT BY APPLICANT Caroline HOEMANN et al. First Named Inventor (use as many sheets as necessary) Art Unit 1651 To Be Assigned Examiner Name Sheet 2 of 12 Attorney Docket Number 701826-056360-US

			U.S. PATENT DOC	UMENTS	
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document  Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A44	US-5,944,754	11-08-1996	Vacanti	
	A45	US-5,977,930	11-02-1999	Lohmann et al.	
	A46	US-6,005,161	12-21-1999	Brekke et al.	
	A47	US-6,080,194	06-27-2000	Pachence et al.	
	A48	US-6,110,209	08-29-2000	Stone	
	A49	US-6,124,273	09-26-2000	Drohan et al.	
	A50	US-6,179,872	01-30-2001	Bell et al.	
	A51	US-6,200,606	03-13-2001	Peterson et al.	
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		US-		<u></u>	

		FO	REIGN PATENT D	OCUMENTS		
Examiner Initials	Cite No.	Foreign Patent Document  Kind Code <sup>3</sup> Country Code <sup>3</sup> Number <sup>4</sup> (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Cohumns, Lines, Where Relevant Passages or Relevant Figures Appear	T¢
	В6	EP 0 298 501 A2	01-11-1980	Asahi Kogaku Kogyo Kabushiki Kaisha		
	B7	EP 0 640 647 A2	03-01-1995	Collagen Corporation		
	B8	EP 1 077 253 A1	02-21-2001	Zen Bio, Inc.		
	B9	WO 95/25549	09-28-1995	Lipomatrix Incorporated		
	B10	WO 96/02276	02-01-1996	Gel Sciences, Inc.		
	B11	WO 96/39202	12-12-1996	Osteogenics		
	B12	WO 97/33562	09-18-1997	Laboratories Merck Sharp & Dohme-Chibret SNC		
	B13	WO 98/22114	05-28-1998	Dumex-Alpharma		
	B14	WO 99/04720	02-04-1999	Reprogenesis		
	B15	WO 00/02905	01-20-2000	University of Southern California		
	B16	WO 00/44413	08-03-2000	Genetics Institute, Inc.		
	B17	WO 00/48550	08-24-2000	Sulzer Biologics, Inc.		
	B18	WO 01/36000	05-25-2001	Biosyntech Canada, Inc.		
	B19	WO 01/41822	06-14-2001	Biosyntech Canada, Inc.		

Examiner	Date	
Signature	Considered	

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Examiner	xaminer Cite Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the					
Examiner Initials	No.1	item (book, magazine, journal, serial, symposium, catalog, etc.)., date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>			
	C12	AERTS et al., Journal of Biomechanics, 28(11):1299-1308 (1995)				
	C13	AIBA, Makromol. Chemie, 194(1):65-75 (1993)				
	C14	ALEXANDER et al., Journal of Zoology - London (A), 209:405-419 (1986)				
	C15	APPLING et al., FEBS Letters, 250(2):541-544 (1989)				
	C16	ASPDEN et al., European Journal of Pharmaceutical Sciences, 4:23-31 (1996)				
	C17	ASTON et al., Journal of Bone and Joint Surgery, 68-B(1):29-35 (1986)				
	C18	ATESHIAN, Journal of Biomechanical Engineering, 119:81-86 (1997)				
	C19	AUSTIN et al., Science, 212:749-753 (1981)				
	C20	BACK et al., Biochemistry, 18(23):5191-5196 (1979)				
	C21	BALKIN, Neale's Common Foot Disorders: Diagnosis and Management, 22:387-400 (1997)				
	C22	BARTONE et al., Journal of Urology, 140:1134-1137 (1988)				
	C23	BELLOWS et al., Bone and Mineral, 17:15-29 (1992)				
	C24	BENNETT et al., Journal of Anatomy, 171:131-138 (1990)				

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Examiner	Date	
Signature	Considered	

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Substitute	for form 1449B/PTO			Co	mplete if Known
INFO	DMATION I	NISCI	AGUE	Application Number	10/521,524
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	September 20, 2005
		First Named Inventor	Caroline HOEMANN et al.		
	(use as many sheets o	as necesso	(ערע)	Group Art Unit	1651
				Examiner Name	To Be Assigned
Sheet	4	of	12	Attorney Docket Number	701826-056360-US

Examiner	Examiner Cite Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the					
Initials*	No.1	item (book, magazine, journal, serial, symposium, catalog, etc.)., date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>			
	C25	BENTLEY et al., Nature, 230:385-388 (1971)				
•	C26	BERNKOP-SCHNURCH et al., Journal of Pharmaceutical Sciences. 87(4):430-434 (1998)				
	C27	BLECHSCHMIDT, Foot and Ankle, 2(5):260-283 (1982)				
	C28	BOBIC et al., The Journal of Bone and Joint Surgery, 82-B(2):165-166 (2000)				
	C29	BREINAN et al., The Journal of Bone and Joint Surgery, 79-A(10):1439-1451 (1997)				
	C30	BREINAN et al., Journal of Orthopaedic Research, 18(5):781-789 (2000)				
	C31	GILLQUIST et al., Acta Orthop Scand., 68(2):186-191 (1997)				
	C32	BRITTBERG et al., The New England Journal of Medicine, 331(14):889-895 (1994)				
	C33	BRITTBERG et al., Clinical Orthopaedics and Related Research, 326:270-283 (1996)				
	C34	BUCKWALTER et al., The Journal of Bone and Joint Surgery, 79-A(4):612-632 (1997)				
	C35	BUSCHMANN et al., Journal of Orthopaedic Research, 10(6):745-758 (1992)				
	C36	BUSCHMANN et al., Foot and Ankle, 14(7):389-394 (1993)				
	C37	BUSCHMANN et al., Foot and Ankle, 16(5):254-258 (1995)				

Examiner	Date	1
Signature	Considered	

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		OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS	
Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.)., date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C38	BUTNARIU-EPHRAT et al., Clinical Orthopaedics and Related Research, 330:234-243 (1996)	
	C39	CALVO et al., Colloid and Polymer Science, 275(1):46-53 (1997) (abstract)	
	C40	CAPLAN et al., Clinical Orthopaedics and Related Research, 342:254-269 (1997)	
	C41	CARREÑO-GÓMEZ et al., International Journal of Pharmaceutics, 148:231-240 (1997)	
	C42	CHENITE et al., Carbohydrate Polymers, 00:1-9 (2000)	
	C43	CHESTERMAN et al., The Journal of Bone and Joint Surgery, 50B(1):184-197 (1968)	
	C44	CHILDERS et al., Clinical Orthopaedics and Related Research, 144:114-120 (1979)	
	C45	CHO et al., Biomaterials, 20:2139-2145 (1999)	
	C46	CHU et al., Journal of Biomedical Materials Research, 29:1147-1154 (1995)	
	C47	CHU et al., Clinical Orthopaedics and Related Research, 340:220-229 (1997)	
	C48	CHUNG et al., Calcif Tissue Int., 51:305-311 (1992)	
	C49	COHEN et al., British Journal of Haemotology, 31:45-50 (1975)	-
	C50	D'AMBROSIA, Orthopedics, 10(1):137-142 (1987)	-

Examiner	Date	
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				First Named Inventor	Caroline HOEMANN et al.	
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Sheet	6	of	12	Attorney Docket Number	701826-056360-US	

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	C51	DENUZIERE et al., Biomaterials, 19:1275-1285 (1998)				
	C52	DEPALMA et al., Clinical Orthopaedics and Related Research, 48:229-242 (1966)				
	C53	DILLON et al., J. Biomater. Sci. Polymer Edn., 9(10):1049-1069 (1998)				
	C54	ELÇIN et al., Neurological Research, 20:648-654 (1998)				
	C55	FRENKEL et al., The Journal of Bone and Joint Surgery, 79-B(5):831-836 (1997)				
	C56	FREED et al., Journal of Biomedical Materials Research, 28:891-899 (1994)				
	C57	FUKAMIZO et al., Biochem. Cell Biol., 75:687-696 (1997)				
	C58	GRANDE et al., Journal of Orthopaedic Research, 7(2):208-218 (1989)				
	C59	GREEN, Clinical Orthopaedics and Related Research, 124:237-250 (1977)				
	C60	GUO et al., Connective Tissue Research, 19:277-297 (1989)				
	C61	GUPTA et al., The International Journal of Artificial Organs, 16(3):155-163 (1993)				
	C62	HANGODY et al., Knee Surg., Sports Traumatol., Arthrosc., 5:262-267 (1997)				
	C63	HANGODY et al., Foot and Ankle International, 18(10):628-634 (1997)				

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- 1		 	i i
	Examiner	Date	
	Signature	Considered	

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	C64	HENDRICKSON et al., Journal of Orthopaedic Research, 12(4):485-497 (1994)	
<u></u>	C65	HIGAKI et al., JSME International Journal, 40(4):776-781 (1997)	
	C66	HIRANO et al., <i>Biopolymers</i> , 15:1685-1691 (1976)	
	C67	HOMMINGA et al., Acta Orthop. Scand., 62(5):415-418 (1991)	
	C68	HUNZIKER et al., The Journal of Bone and Joint Surgery, 78-A(5):721-733 (1996)	
	C69	HYC et al., Cell Transplantation, 6(2):119-124 (1997)	
	C70	ITAY et al., Cartilage Repair by Cultured Chondrocytes, 220:284-303 (1987)	
	C71	JAHSS et al., Foot and Ankle, 13(5):227-232 (1992)	
	C72	JOHNSON, Operative Arthroscopy, Chapter 24, pp.341-360 (1991)	
	C73	JÜRGENSEN et al., The Journal of Bone and Joint Surgery, 79-A(2):185-193 (1997)	
	C74	KANDEL et al., Art. Cells, Blood Subs., and Immob. Biotech., 23(5):565-577 (1995)	
_	C75	KAWAMURA et al., Acta Orthop. Scand., 69(1):56-62 (1998)	
	C76	KER, Journal of Experimental Biology, 199:1501-1508 (1996)	

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Examiner	Date	
Signature	 Considered	

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	C77	KOPP et al., Int. J. Cancer, 60:275-279 (1995)			
	C78	KOYANO et al., J. Biomed. Mater. Res., 39:486-490 (1998)			
	C79	KUBOTA et al., Polymer Journal, 29(2):123-127 (1997)			
.,	C80	KUETTNER, Clinical Biochemistry, 25:155-163 (1992)			
	C81	LAHIJI et al., J. Biomed. Mater. Res., 51:586-595 (2000)			
	C82	LEE et al., Journal of Controlled Release, 51:213-220 (1998)			
	C83	LEE et al., J. Periodontol., 71(3):410-417 (2000)			
	C84	LEISTIKOW, Seminars in Thrombosis and Hemostasis, 22(3):289-294 (1996)			
	C85	LI, Biotechnol. Appl. Biochem., 23:269-271 (1996)			
	C86	LU et al., Biomaterials, 20:1937-1944 (1999)			
	C87	MAHOMED et al., Orthopedics, 15(10):1191-1199 (1992)			
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Signature	 	Considered	<u> </u>	

<sup>\*</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

701826-056360-US

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known Substitute for form 1449B/PTO 10/521,524 Application Number INFORMATION DISCLOSURE September 20, 2005 Filing Date STATEMENT BY APPLICANT Caroline HOEMANN et al. First Named Inventor (use as many sheets as necessary) 1651 Group Art Unit To Be Assigned Examiner Name

Attorney Docket Number

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
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INFO	DMATION I	NSCI	OSURE	Application Number	10/521,524	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	September 20, 2005	
				First Named Inventor	Caroline HOEMANN et al.	
(use as many sheets as necessary)				Group Art Unit	1651	
				Examiner Name	To Be Assigned	
Sheet 10 of 12		12	Attorney Docket Number	701826-056360-US		

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SIAI	STATEMENT BY APPLICANT (use as many sheets as necessary)			First Named Inventor	Caroline HOEMANN et al.	
				Group Art Unit	1651	
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r Initials	No.1	item (book, magazine, journal, serial, symposium, catalog, etc.)., date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>				
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In re application of:

HOEMANN, Caroline et al. Confirmation No.:

Application No.:

10/521,524

September 20, 2005

2128

To be assigned.

Examiner: Group No.: Customer No.:

1651 50828

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Filed:

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